

The CASE of Francis Godolphin Esq;

Nephew and Heir, and one of the Administrators of Sir Will. Godolphin Kt. deceased, in Reference to the Bill depending before the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious Uses, for Applying the same to the Use of Greenwich Hospital.

THAT Sir William Godolphin died at Madrid in July 1696. seized of divers Lands in England, and possessed of a very considerable Personal Estate in England, and divers other Countries, to a very great Value.

The said Sir William Godolphin some few days before his Death, did make a Nuncupative Will, and thereby did give to his Nephew the said Francis Godolphin, all his Lands in England, and 7000 l. Sterling, and to the Children of the said Nephew 4000 l. Sterling, and to his Neice Elizabeth Godolphin, Wife of Charles Godolphin Esq; 4000 l. and to the said Charles Godolphin, 1000 l. and to his Uncle Francis Bluet, 200 l. which said Nuncupative Will was reduced into Writing in the Life-time of the said Sir William Godolphin; But there being no Executor appointed, nor any Disposition thereby made of the Residue of his Personal Estate, Administration of the Goods of the said Sir William Godolphin, with the said Will annex, was granted by the Judge of the Prerogative Court of Canterbury, to the said Francis Godolphin, and Elizabeth Godolphin, they being his next of Kin.

Soon after the said Administration granted, it was pretended, That the said Sir William Godolphin did in his Life-time make or Assent to some Notarial Act, by which he had Constituted certain Popish Priests his Testamentaries, (i. e. his Will-makers) and had given them Authority after his Decease to make his Will according to such Directions as he had Communicated to them, and that by such Notarial Act he gave to each of his said Testamentaries a Legacy, and also divers Sums of Money for Superstitious Uses, and appointed others therein Named to Execute the said Will to be made after his Death, for the good of his Soul, which he therein declared to be his Universal Heir, and he did thereby Revoke all former Wills, Power to make Wills and Dispositions whatsoever.

And it was further pretended, That the said Priests and other Testamentaries, had, pursuant to that Authority, made and published a Will in the Name of the said Sir William Godolphin after his Decease, whereby divers Sums of Money were given and appointed to divers Popish Superstitious Uses, and some Endeavours were made to set up and establish that pretended Will and Disposition.

Whereupon the said Francis Godolphin, and the said Charles Godolphin, did apply themselves to the High Court of Parliament, and obtained an Act to pass in the Tenth Year of His Majesty's Reign, whereby the said Administration granted to the said Francis Godolphin and Elizabeth Godolphin, is confirmed and established, and the said Power to make a Will is declared Null and Void; and the declaring his Soul to be his Universal Heir, and all the Gifts and Appointments made by the said Testamentaries, are also declared to be Void and of no Effect.

By which Act of Parliament the said Francis Godolphin and Elizabeth Godolphin, as Administrators of the Goods and Chattels of the said Sir William Godolphin, and as his next of Kin, became intituled to all the rest and residue of the said Sir William Godolphin's Personal Estate, not particularly disposed of by the said Nuncupative Will, Except as in the said Act of Parliament is Excepted and Reserved.

The said Francis Godolphin is Heir at Law to the said Sir William Godolphin, and as his Heir, is in possession of his Real Estate.

The Bill which is now brought into the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious Uses for applying the same to the use of Greenwich Hospital, may Involve the said Administrators in great Troubles in Relation to the said Personal Estate, and also the said Francis Godolphin in relation to the Real Estate in case it should pass, upon pretence that the said Sir William Godolphin did give or appoint his said real or personal Estate, or any part of it to Popish Superstitious Uses; And the said Bill being subsequent to the Act passed in the Tenth Year of His Majesty's Reign in favour of the said Francis Godolphin and Elizabeth Godolphin the Administrators, and being contrary herein to the said former Act, may be looked upon as a Repeal of the said former Act, and defeat that Establishment and Quiet in relation to the said Sir William Godolphin's Estate, which was intended for the said Francis Godolphin and Elizabeth Godolphin by the said former Act.

Wherefore it is humbly hoped by the said Francis Godolphin, That the Honourable House will permit a Clause to be brought in and added to the said Bill to save the Right of the said Francis Godolphin to the Estate of the said Sir William Godolphin, and that the said Bill may not in any sort defeat or alter the said former Act, or any thing therein contained.

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Nephew and Heir, and one of the Administrators of Sir Will. Godolphin Kt. deceased, in Reference to the Bill depending before the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious Uses, for Applying the same to the Use of Greenwich Hospital.

THAT Sir William Godolphin died at about 3. 15. 1696, seized of divers Lands in England, and possessed of a very considerable Personal Estate in England, and divers other Countries, to a very great Value. The said Sir William Godolphin some few days before his Death, did make a Nuncupative Will, and thereby did give to his Nephew the said Francis Godolphin, all his Lands in England, and 2000 L. Sterling, and to the Children of the said Sir William 2000 L. Sterling, and to his Niece Elizabeth Godolphin, Wife of Charles Godolphin Esq; 2000 L. and to the said Charles Godolphin, 1000 L. and to his Uncle Francis Esq; 200 L. which said Nuncupative Will was reduced into Writing in the presence of the said Sir William Godolphin, and there being no Executor appointed, nor any Disposition thereby made of the Goods or the said Personal Estate, Administration of the Goods of the said Sir William Godolphin, was granted by the Judge of the Probate Court of Canterbury, was granted by the Judge of the Probate Court of Canterbury, being his next of Kin.

Soon after the said Administration granted, it was pretended, that the said Sir William Godolphin, by which he had constituted certain Executors, and his Will-makers, or Attorneys to some Notarial Act, by which he had constituted certain Executors, and his Will-makers, and had given them Authority after his Death, to make his Will according to the said Notarial Act, and that by such Notarial Act he gave to each of his said Executors, and also divers Sums of Money for Superstitious Uses, and appointed others therein named to execute the said Notarial Act, made after his Death, for the good of his Soul, which he therein declared to be his Universal Heir, and he did thereby Revoke all former Wills, Powers, and made Wills and Dispositions whatsoever.

And it was further pretended, that the said Sir William Godolphin, had, pursuant to the said Authority, made and published a Will in the name of the said Sir William Godolphin after his Death, whereby divers Sums of Money were given and appointed to divers Popish Superstitious Uses, and some Endowments were made to set up and establish that pretended Will and Disposition.

Whereupon the said Francis Godolphin, and the said Charles Godolphin, did apply themselves to the High Court of Justice, and obtained an Act to pass in the Tenth Year of His Majesty's Reign, whereby the said Administration granted to the said Francis Godolphin and Elizabeth Godolphin, is confirmed and established, and the said Power to make a Will is declared null and void; and the declaration is made to be his Universal Heir, and all the Gifts and Appointments made by the said Francis Godolphin, are also declared to be void and of no Effect.

By which Act of Parliament the said Francis Godolphin and Elizabeth Godolphin, as Administrators of the Goods and Chattels of the said Sir William Godolphin, and as his next of Kin, became intitled to all the rest and residue of the said Sir William Godolphin's Personal Estate, not particularly disposed of by the said Nuncupative Will, Except as in the said Act of Parliament is expressed and declared.

The said Francis Godolphin is Heir at Law to the said Sir William Godolphin, and as his Heir, is in Possession of his Real Estate.

The Bill which is now brought into the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious Uses for Applying the same to the Use of Greenwich Hospital, may involve the said Administrators in great Troubles in Relation to the said Personal Estate, and also the said Francis Godolphin in Relation to the said Real Estate in case it should pass, upon pretence that the said Sir William Godolphin did give or appoint his said real or personal Estate, or any part of it to Popish Superstitious Uses; And the said Bill being subjoined to the Act passed in the Tenth Year of His Majesty's Reign in favour of the said Francis Godolphin and Elizabeth Godolphin the Administrators, and being contrary herein to the said former Act, may be looked upon as a Repeal of the said former Act, and the said Francis Godolphin and Elizabeth Godolphin by the said former Act.

Wherefore it is humbly hoped by the said Francis Godolphin, That the Honourable House will permit a Clause to be brought in and added to the said Bill to save the Right of the said Francis Godolphin to the Estate of the said Sir William Godolphin, and that the said Bill may not in any sort defeat or alter the said former Act, or any thing therein contained.